



67134584-1005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robin E. Birdsong, Jeanne B. Baker
U.S. Serial No. : 09/942,422
Filing Date : August 30, 2001
For : ELECTRONIC FLEX CARD ADJUDICATION SYSTEM
AND METHOD
Examiner : To be assigned
Group Art Unit : 2161

RECEIVED
FEB 19 2002
Technology Center 2100

Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 28, 2002.

Eunhee Park
Eunhee Park (Reg. No. 42,976)

PETITION TO MAKE APPLICATION SPECIAL
UNDER 37 C.F.R. 1.102 AND M.P.E.P. 708.02 II DUE TO INFRINGEMENT

SIR:

Applicants hereby petition to make the above-identified application special for an invention because of infringement.

Eunhee Park, an attorney duly registered to practice before the United States Patent and Trademark Office, alleges:

(a) that to the best of my knowledge, there is an infringing product actually on the market and method in use, evidenced at least by alleged infringer's advertisement of the product;

(b) that a rigid comparison of the alleged infringing product and method with the claims of the application has been made, and that, in my opinion, some of the claims are unquestionably infringed; and

02/14/2002 SMINASS1 00000012 020393 09942422

01 FC:122 130.00 CH

(c) that I caused to be made a careful and thorough search of the prior art. I attach one copy of each of the following references that the search uncovered.

US Patents and Published Applications

- | | |
|----------------------------------|----------------|
| (1) US Patent No. 4,491,725 | Pritchard |
| (2) US Patent No. 5,235,507 | Sackler et al. |
| (3) US Patent No. US2001/0037214 | Raskin et al. |
| (4) US Patent No. 5,991,750 | Watson |
| (5) US Patent No. 6,044,352 | Deavers |
| (6) US Patent No. 6,067,522 | Warady et al. |
| (7) US Patent No. 6,092,047 | Hyman et al. |
| (8) US Patent No. 6,108,641 | Kenna et al. |
| (9) US Patent No. 6,208,973 | Boyer et al. |

Company Literature from the Internet

The following literature was uncovered during the Internet search. Applicants, however, do not know the accurate dates of publication for some of this literature, except for indicated copyright year. Accordingly, by submitting this literature, Applicants are not representing that the literature is prior art.

- (1) New Debit Card Lets Holders Pay for Medical Flex Services, The Buffalo News - 2/3/2001, <http://www.ee-plan.com/press.asp>
- (2) Medibank-It's about Time, <http://www.medibank.com>, copyright 2001
- (3) HealthAllies FlexPlus, <http://www.healthallies.com/broker/flexplus.jhtml>, copyright 2001
- (4) FlexAmerica, <http://www.flexamerica.com/flexcard.htm>

(5) Fringe Benefits Management Company, <http://www.fbmc-benefits.com/texflex/debitcard.html>, copyright 2001

(6) BPC, Inc. - Flex Debit Cards,
<http://www.bpcinc.com/benefit/fdcinfo.html>, copyright 2000-01

For the aforementioned statements, it is therefore respectfully requested that the present application be made special and that the examination thereof accordingly be accelerated.

The Commissioner is authorized to charge the required fee under 37 CFR §1.17(h) to Deposit Account No. 02-0393 of Baker & McKenzie.

Respectfully submitted,

Dated: January 28, 2002

By: _____

Eunhee Park
Eunhee Park
Reg. No. 42,976
BAKER & MCKENZIE
805 Third Avenue
New York, NY 10022
(212) 751-5700 telephone
(212) 759-9133 facsimile